

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM CHIKONYERA	:	CIVIL ACTION
	:	
v.	:	
	:	
CHESTER COUNTY DISTRICT	:	
ATTORNEY, et al.	:	No. 05-4543

ORDER

AND NOW, this 10th day of July, 2006, upon careful and independent consideration of William Chikonyera's pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and the memorandum accompanying his petition (docket entries # 1 and 3), the defendants' response thereto, and the Report and Recommendation of the Honorable David R. Strawbridge (docket entry # 8), to which the parties have not objected,¹ and the Court finding that Judge Strawbridge correctly concluded that this petition is untimely, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petition for writ of habeas corpus is DENIED;
3. We DECLINE to issue a certificate of appealability; and

¹ We have twice mailed the Report and Recommendation to the address petitioner provided: York County Prison, 3400 Concord Road, York, Pa 17402. Each time it was returned to us as "not deliverable as addressed." We have since learned from prison officials that petitioner left the prison on November 22, 2005, but in the nearly eight months that have passed since then, he has not contacted the Court to provide a new mailing address.

4. The Clerk shall CLOSE this civil action statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.